

REMARKS/ARGUMENTS

By the *Office Action* of 16 June 2010, Claims 2-36 are pending in the Application, and all rejected. Applicant thanks Examiner with appreciation for the careful consideration and examination given to the Application.

Applicant submits this *Response and Amendment After Final Rejection* solely to facilitate prosecution. As such, Applicant reserves the right to present new or additional claims in this Application that have similar or broader scope as originally filed. Applicant also reserves the right to present additional claims in a later-filed continuation application that have similar or broader scope as originally filed. Accordingly, any amendment, argument, or claim cancellation presented during prosecution is not to be construed as abandonment or disclaimer of subject matter.

Applicant submits this *Response and Amendment After Final Rejection* does not raise new matter issues or raise issues requiring further consideration or searches. No new matter is believed presented in the *Response and Amendment*, and all pending Claims believed allowable.

1. Claim Objections and Rejections Under 35 USC § 112

In the *Office Action*, Claim 26 is rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Applicant clarifies Claim 26 in response thereto.

2. The Claim Rejections Under §§ 102/103

In the *Office Action*, Claims 2-7, 10-13, 19-24, 26-29 and 33-34 are rejected under 35 USC § 102(b) as allegedly being anticipated by GB Patent No. 2,312,193 to Searle. Claims 17 and 32 are rejected under 35 USC § 103(a) as allegedly being unpatentable over Searle. Claims 8-9, 16 and 35 are rejected under 35 USC § 103(a) as allegedly being unpatentable over Searle in view of US Patent Publication No. 20030087713 to Todd et al. Claims 14-15, 31 and 36 are rejected under 35 USC § 103(a) as allegedly being unpatentable over Searle in view of US Patent No. 3,832,899 to Nicolau. Claim 18 is rejected under 35 USC § 103(a) as allegedly being unpatentable over Searle in view of US Patent No. 5,445,036 to Hordnes et al. Claim 25 is rejected under 35 USC § 103(a) as allegedly being unpatentable over Searle in view of WO

0130643 to Roovers et al. Claim 30 is rejected under 35 USC § 103(a) as allegedly being unpatentable over Searle in view of US Patent No. 3,992,932 to Venema.

It appears the Examiner considers that the displacement of the idler (C) of Searle as a measurement signal. It is respectfully submitted that as claimed, a “signal” is something that can travel some distance to convey a message. A displacement, which itself may be the result of some cause, is just a measurable parameter.

Nonetheless, Applicant clarifies this point by specifying that the sensor produces an electric signal (for example, see *US Patent Publication 2007/0099735*, ¶[0031]). Even if the Searle idler wheel can constitute a *sensor*, it should be clear that its output signal (even if termed a “measuring signal”) is only an ON/OFF signal, and is in no way proportional to the chain forces as presently claimed.

Applicant submits this *Response and Amendment After Final Rejection* does not raise new matter issues or raise issues requiring further consideration or searches. It is thus respectfully submitted that the pending Claims are novel and non-obvious over the cited art.

3. Fees

This *Response and Amendment After Final Rejection* is being filed within six months of the *Office Action*, and more specifically within two months. Thus, no extension of time fee payment is believed due.

No additional claim fees are believed due.

Nonetheless, authorization is hereby expressly given to charge any fees due to deposit account No. 20-1507.

CONCLUSION

By the present *Response and Amendment After Final Rejection*, this Application has been placed in full condition for allowance. Accordingly, Applicant respectfully requests early and favorable action. Should the Examiner have any further questions or reservations, the Examiner is invited to telephone the undersigned Attorney at 404.885.2773.

Respectfully submitted,

Certificate of Transmission:

I hereby certify that this correspondence is being submitted by e-filing to the US Patent and Trademark Office in accordance with §1.8 on this date, via the EFS-Web electronic filing system.

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